

03-14-02

GP-1647
(Box seg)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: OLEG N. SUSLOV
DENNIS A. STEINDLER
VALERY G. KUKEKOV

Application No.: 09/527785

Examiner: Hayes, R.

Date Filed: March 17, 2000

Group: 1647

Attorney Docket No.: 6704-12
PD 98052

For: MAKING AND USING MICROCLONAL UNCLONED cDNA LIBRARIES

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CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with
the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner
for Patents, Washington, D.C. 20231, on March 13, 2002.

Amy A. Ostrom, Ph.D.TRANSMITTAL LETTER

Commissioner of Patents
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures and Preliminary Amendment
- Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- Statement Under 37 C.F.R. 1.821(f)
- Computer Readable Sequence List (2 disks) and Printed Sequence Listing of the Same
- 1 postcard

Although no fee is believed due, please charge any underpayment to Deposit Account No. 50-0951. This letter is submitted in duplicate.

Respectfully submitted,

Barbara S. Kitchell
Barbara S. Kitchell
Registration No. 33,928
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,785	03/17/2000	Oleg N. Suslov	4350.001200	3947
7590	02/14/2002			
Barbara S Kitchell AKERMAN SENTERFITT 222 LAKEVIEW AVE., SUITE 400 P.O. BOX 3188 WEST PALM BEACH, FL 33402				

Please find below and/or attached an Office communication concerning this application or proceeding.

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DATE MAILED: 02/14/2002

FEB 25 2002

UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/207,100			



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EXAMINER	
ART UNIT	PAPER NUMBER
12	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 01/03/02 is not fully responsive to the communication mailed 10/05/01 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules and/or CRF Diskette Problem Report. Additionally, 37 CFR 1.821 (a)(2)(d) states that each sequence disclosed must appear separately in the "Sequence listing", and referenced appropriately *in the text of the description* and the claims. See MPEP 2422 & 2431. In other words, pages 49 & 50 of the specification must be amended to indicate the appropriate SEQ ID NOs. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the response appears to be **bona fide**, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) from the date of the original **10/05/01** communication. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication should be directed to Examiner **Robert C. Hayes**, Art Unit **1647**, whose telephone number is **703-305-3132**.

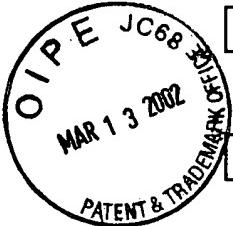
Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Robert C. Hayes, Ph.D.
February 13, 2002

GARY L. KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: _____

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Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

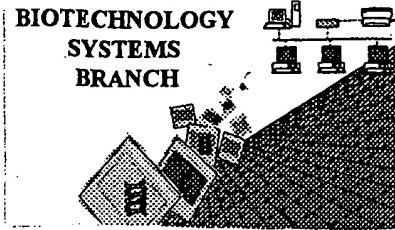
For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

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1647



Applicants H '11 DK 2/1/02

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/527,785
Filing Date: 3/17/2000
Date Processed by STIC: 1/23/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- (circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other: _____

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PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)

2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202

3. Hand Carry directly to:

U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202